

REMARKS

The above Amendments and these Remarks are submitted under 35 U.S.C. § 132 and 37 C.F.R. § 1.116 in response to the Office Action mailed October 6, 2006.

Summary of the Examiner's Action and Applicant's Response

Claims 2 and 14 have been rejected under 35 U.S.C. § 112. The Examiner has rejected Claims 1-7 and 10-20 under 35 U.S.C. § 103(a) as being obvious based on Stewart, et al., U. S. Patent No. 5,870,284, in view of Tate, U. S. Design Patent No. D279,283. Claims 8 and 9 have been rejected under 35 U.S.C. § 103(a) as being obvious based on Stewart, et al. and Tate, as applied to Claim 1, and further in view of Muller, et al., U.S. Patent Application Publication No. 200510162832. Applicants respectfully traverse the rejections. In this amendment, Applicants have amended Claims 1 and 11. Claims 1-20 remain pending.

Response to the Rejection to Claims 2 and 14 under 35 U.S.C. § 112

The Examiner has rejected Claims 2 and 14 under 35 U.S.C. § 112 for failing to comply with the written description requirement. The Examiner stated that the plain meaning of the term "vane" requires a rotating member. In support, the Examiner cited the online Merriam-Webster online dictionary at <http://www.m-w.com/dictionary/vane>. Applicants respectfully disagree.

Applicants respectfully submit that the cited online dictionary recites a definition of "vane" as "**a thin flat or curved object** that is [1] rotated about an axis by a flow of fluid or [2] that rotates to cause a fluid to flow or [3] that redirects a flow of fluid". (Emphasis added). That is, this definition of vanes states three alternatives for a "thin flat or curved object". Applicants respectfully submit, therefore, that the cited definition of vane includes defining vane as a thin flat or curved object that redirects a flow of fluid, i.e., a rotating member is not required. The present specification describes an air ventilation cooling system that includes vertical pieces forming a vanes-shaped configuration with an opening between the two vertical pieces. Applicants respectfully submit that the dictionary definition is consistent with the description of vane in the specification and, therefore, Claims 2 and 14 are adequately described in the specification.

Response to the Rejection of Claims 1-7 and 10-20 under 35 U.S.C. § 103(a)

The Examiner has again rejected Claims 1-7 and 10-20 under 35 U.S.C. § 103(a) as being obvious based on Stewart, et al. in view of Tate. Regarding Claim 1, the Examiner acknowledged that Stewart, et al. lacks vertical members extending to corresponding fins extending away from the module in different directions and defining a gap. The Examiner stated that “Tate teaches a power module support (with labeled elements shown on FIGs. 1 and 4 in the Office Action) having a first vertical piece (1) extending from the base to a **first fin (5) that extends substantially along the length of the stand (substantially given it's (sic) broadest reasonable meaning)** and extends from the base away from the module (the module would be supported inside of the frame) in a first direction, and having a second vertical piece (3) extending from the base to a **second fin (6) that extends substantially along the length of the stand** and extends out from the base away from the module in a second direction, the power module plugging into the stand defining a **first gap (7)** along an edge of the first fin that is adjacent to the first side of the power module and **extends substantially along the length of the stand** and defining a **second gap (8)** along an edge of the second fin that is adjacent to the second side of the power module and **extends substantially along the length of the stand**, allowing vertical heat dissipation generated by the power module with air flow vertically through the first and second gaps and along respective substantially vertical surfaces of said power module.” (Emphasis added). The Examiner concluded that it would have been obvious to a person of ordinary skill in the electronic art to combine the power supply system of Stewart, et al. with the conventional power supply support of Tate for the benefit of [providing] a lightweight support frame having large windows for cooling air. Applicants respectfully disagree.

Applicants have amended Claim 1 to further define the invention. In Claim 1, as amended, Applicants have replaced “length” with “entire length” in order to further emphasize the differences between the invention, as claimed, and the cited references. The structure, as claimed in Claim 1, thus has a first fin, a second fin, a first gap, and a second gap, each extending substantially along the entire length of the stand. The amendment is supported by the application as filed. Specifically, FIGs. 1A, 1B, and 2, and 3 show the fins 115 and 116 substantially along the entire length of the stand 110. FIGs. 2 and 3 show the gaps 350 and 355 substantially along the entire length of the stand 110, one on each side of the power module. Regarding use of the term substantially, Applicants respectfully submit that the Federal Circuit has defined substantially according to its dictionary definition as “largely but not wholly that which is specified,” *Ecolab, Inc. v. Envirochem*,

Inc., 264 F. 3d 1358, 60 (Fed Cir. 2001). Applicants respectfully submit that the Federal Circuit has recently held that courts may rely on dictionaries when construing claim terms, "... so long as the dictionary definition does not contradict any definition found in or ascertained by a reading of the patent documents." *Phillips v. AWH Corp.*, 415 F.3d 13, 75 USPQ2d 1321 (Fed. Cir. 2005) (*en banc*) quoting *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, at 1584 n.6 (Fed. Cir. 1996). Applicants respectfully submit that the present specification does not contradict the above definition of substantially. The Examiner has identified a first fin 5, second fin 6, first gap 7, and second gap 8 in Tate (with labeled elements shown on FIGs. 1 and 4 in the Office Action). Applicants respectfully submit that the fins 5 and 6 identified by the Examiner extend only from a corner of the structure and thus do not extend largely but not wholly, along the entire length of the stand, as claimed in Claim 1. Similarly, Applicants respectfully submit that Tate does not teach the formation of a gap extending substantially along the entire length of the stand on each side of the power module, as claimed in Claim 1. Applicants respectfully submit, therefore, that Claim 1 is non-obvious based on Stewart, et al. in view of Tate.

Claims 2-7, 10, and 20 depend from Claim 1, and thus are respectfully submitted as being non-obvious based on Stewart, et al. in view of Tate for the same reasons given above for Claim 1.

Claim 11 is similar to Claim 1, except for the addition of a fan. Applicants have amended Claim 11 as described above for Claim 1. Applicants therefore respectfully submit that Claim 11 is allowable on the same basis as Claim 1. Claims 12-19 depend from Claim 11, and thus are respectfully submitted as being non-obvious in view of Stewart, et al. and Tate for the same reasons as above for Claim 11.

Response to the Rejection of Claims 8 and 9 under 35 U.S.C. § 103(a)

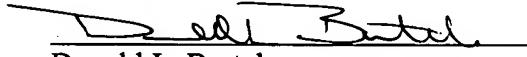
Claims 8 and 9 have been rejected under 35 U.S.C. § 103(a) as being obvious based on Stewart, et al. and Tate, as applied to Claim 1 above, and further in view of Muller, et al. Claims 8 and 9 depend from Claim 1 and thus Applicants respectfully submit that these claims are non-obvious based on Stewart, et al. in view of Tate and further in view of Muller, et al. for the same reasons given above for Claim 1.

Conclusion

For the above reasons, Applicants respectfully submit that all the pending claims, Claims 1-20, in the present application are allowable. Such allowance is respectfully solicited.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (415) 984-8200.

Respectfully submitted,


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